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Gachina Landscape Management, Inc.  
Amendment #5

**AMENDMENT NO. 5 TO THE AGREEMENT**  
**WITH**  
**GACHINA LANDSCAPE MANAGEMENT, INC.**  
**FOR**  
**CIVIC CENTER AND LIBRARY LANDSCAPE**  
**MAINTENANCE SERVICE**

This Amendment is entered into this 21<sup>ST</sup> day of August, 2013, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **Gachina Landscape Management, Inc.** a California corporation, (hereafter referred to as "CONTRACTOR").

**RECITALS**

- A. WHEREAS, the parties entered into an agreement entitled "Civic Center, Library Landscape Maintenance Service on October 1, 2011" ("Agreement"). This is a two (2) year agreement with three (3) one (1) year options. The total first year contract amount was Thirty One Thousand Seven Hundred and Twenty dollars and Zero Cents (\$31,720.00); and
- B. WHEREAS, the parties entered into Amendment No. 1 to the Agreement on January 5, 2012 to change the pesticide usage reporting to the standardized requirements and forms supplied by the City of Milpitas at no additional cost to the City; and
- C. WHEREAS, the parties entered into Amendment No. 2 to the Agreement on August 22, 2012 to provide "irrigation management, inspection, and adjustment of the system" at the rate of \$218 per month for the remaining forty-nine (49) months of the Agreement, for a first year contract amount not-to-exceed of Thirty-One Thousand Nine Hundred and Thirty-Eight Dollars (\$31,938.00).
- D. WHEREAS, the parties entered into Amendment No. 3 to the Agreement on April, 29, 2013 to change the pesticide usage reporting to the standardized requirements and forms supplied by California Regional Water Quality Control Board at no additional cost to the City; and
- E. WHEREAS, the parties entered into Amendment No. 4 to the Agreement on March 23, 2013 to provide a one time increase of One Thousand Four Hundred Seventy-Seven Dollars and Forty-Eight Cents (\$1,477.48) for irrigation repairs for a total year two contract value of Thirty-Four Thousand Seven Hundred Thirteen Dollars and Forty-Eight Cents (\$34,713.48); and
- F. WHEREAS, the parties now desire to further amend the Agreement to include the attached Addendum No. 1 as part of the Scope of Service and to increase the Agreement by Three Thousand Eight Dollars and Five Cents (\$3,508.05) for each of the remaining four years as a contingency for

demolition and replanting of various existing annual beds at City Hall and the Senior center; and

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NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to further amend the Agreement as follows:

1. City agrees to pay Contractor for all services performed in accordance to the amended Agreement in the amounts not-to-exceed as follows:
  - A. 10/1/2011 to 9/31/2012: \$31,938.00
  - B. 10/1/2012 to 9/31/2013: \$38,221.53
  - C. 10/1/2013 to 9/31/2014: \$36,744.00
  - D. 10/1/2014 to 9/31/3015: \$36,744.00
  - E. 10/1/2015 to 9/31/2016: \$36,744.00
  
3. CONTRACTOR agrees to continue to maintain and pay for all insurance policies as stated in "Exhibit D – Insurance Requirements General" throughout the term of the Agreement and shall provide the City with renewal certificate and endorsements of the insurance policy.
  
4. All other provisions of the amended Agreement not amended by this Amendment No. 5 shall remain in full force and effect.

This Amendment is executed as of the date written on Page 1.

APPROVED BY:

CITY OF MILPITAS

GACHINA LANDSCAPE MANAGEMENT, INC

\_\_\_\_\_  
Thomas C. Williams, City Manager

\_\_\_\_\_  
Name and Title of Authorized Representative

Approved As To Content:

\_\_\_\_\_  
Steve Erickson, Project Manager

Approved As To Form:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney



## **CITY of MILPITAS**

*Purchasing Division*  
455 E. Calaveras Blvd  
Milpitas, CA 95035

Phone: 408-586-3160 Fax: 408-586-3170

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August 8, 2013

### **ADDENDUM NO. 1**

**To**

**Amendment No. Five (5)**

**To**

**Civic Center, Library Landscape Maintenance Services Agreement  
RFP 2007**

Please note the following revision to, Civic Center, Library Landscape Maintenance Services Agreement - RFP 2007

The Agreement value for contract years two through five shall be increased by \$3,508.00 per the attached proposal from Heriberto Cortes dated June 7, 2013.

All other provisions of the documents and specifications remain in full force and effect.

Respectfully,

Chris Schroeder  
Purchasing Agent



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June 07, 2013

### PROPOSAL

STEVE ERICKSON  
CITY OF MILPITAS  
MILPITAS CIVIC CENTER  
455 & 457 EAST CALAVERAS BLVD.  
MILPITAS, CA 95035

**DESCRIPTION OF WORK TO BE PERFORMED**

Annual Color Rotation

By Fountain Bed of Annual Color  
-5 mf, of jp Annual color (TBD)  
-1 ea, Check and Adjust Irrigation

Right Side Bed of Annual Color  
-7 mf, of jp Annual color (TBD)  
-1 ea, Check and Adjust Irrigation

Left Side Bed of Annual Color by lawn  
-4 mf, of jp Annual color (TBD)  
- 1ea, Check and Adjust Irrigation

Sign with annual color in the Parking area  
-2 mf, of jp Annual color (TBD)  
-1 ea, Check and Adjust Irrigation

Labor \$341.56  
Material \$827.79

Note: the color is less than other rotations if the plant we proposed get approved

COST: \$1,169.35  
TOTAL: \$1,169.35 x 3 per yr.

By \_\_\_\_\_  
Heriberto Cortes

By \_\_\_\_\_

Date June 07, 2013

Date \_\_\_\_\_

**GACHINA LANDSCAPE MANAGEMENT**

**CITY OF MILPITAS**

*Do not remit payment. Invoice will be issued upon completion of work.*



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06/07/2013 11:32

City of Milpitas

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06/07/2013 11:33

